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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624.	4435
5514	7590	12/08/2009	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800			CUTLER, ALBERT H	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,094	KASAI, YASUSHI	
	Examiner	Art Unit	
	ALBERT H. CUTLER	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 October 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13 and 15-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 13 and 15-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This office action is responsive to communication filed on October 26, 2009.

Claims 13 and 15-17 are pending in the application and have been examined by the Examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2009 has been entered.

Response to Arguments

3. Applicant's arguments filed October 26, 2009 have been fully considered but they are not persuasive.

4. Applicant argues, with respect to claim 13, that Amir teaches that the switching of reproduction takes place between the original video 21 and the video 20 extracted therefrom, and therefore does not disclose to switch over the reproduction from the time line 21 to a time line (i.e., "the next moving image" recited in amended claim 13) other than the time line 20. Applicant asserts that the switching over of reproduction in Amir takes place between the moving image and the corresponding skim video and thus the "next moving image" in Amir is part of the existing image. Therefore, Amir fails to disclose that if the second button is pressed, as required in Claim 13, the reproducing

unit terminates the continued reproduction of the moving image in response to pressing of the second button and then starts reproduction in accordance with the predetermined reproduction time to reproduce the next moving image which is not included in the moving image which the reproduction unit terminates.

5. The Examiner respectfully disagrees. Amir discusses different implementations of the invention in paragraph 0034. For instance, Amir teaches that the first media stream could be a video summary (i.e. video skim) of one particular news story, containing the news story and updated versions from a 24 hour period, with each version having a starting point in the second media stream (paragraph 0034, lines 8-16). Amir teaches in paragraph 0034, lines 25-29, "In yet another implementation, a play-list, composed of several or all of the video segments related to the story of interest is played. In this case, the user watches all these segments **as if they were combined together into one continuous video.**" Therefore, it is clear that in this implementation, the next moving image (i.e. next segment related to the story) is not included in the moving image which the reproduction unit terminates (i.e. previous moving image related to the story) as the media stream presented to the user is not a continuous video, but rather a play-list comprised of multiple video segments played "as if they were combined together into one continuous video".

6. Therefore, the rejection is maintained by the Examiner.

Claim Rejections - 35 USC § 102

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 13, 15 and 16 rejected under 35 U.S.C. 102(b) as being anticipated by Amir et al. (US 2002/0140719).
9. The Examiner's response to Applicant's arguments, as discussed above, is hereby incorporated into the rejection of claims 13, 15 and 16 by reference.

Consider claim 13, Amir et al. teaches:

An image processing apparatus comprising:

a reproducing unit which reproduces a moving image from a storage medium in accordance with a predetermined reproduction time set in advance (A video stream is displayed on a monitor (figure 1), paragraph 0022. A segment of video (i.e. a moving image) is reproduced from a first video stream during a predetermined reproduction time, which segment provides part of a summary of a full length video. See paragraphs 0004, 0022 and 0023. The moving image can be remote-stored (paragraph 0021) such as in a database (paragraph 0026). Amir teaches in paragraph 0041 that, for instance, a skim video will play a 5 second segment of continuous video (i.e. a predetermined time set in advance), and then jump to a time point 30 seconds into the video where the next video segment of the skim video is played.); and

a determining unit which determines whether a predetermined button is pressed, during reproduction of the moving image by said reproducing unit, wherein if the

predetermined reproduction time set in advance is passed without said determining unit determining that a first button is pressed, said reproducing unit stops reproducing the moving image, and if said determining unit determines that the first button is pressed before the predetermined reproduction time set in advance is passed, said reproducing unit continues to reproduce the moving image even if the predetermined reproduction time is passed (Amir teaches when a user is watching a skim video comprised of a plurality of video segments, and the user clicks tab 18, then the media stream (i.e. the full length video) continues to be reproduced even if the video segment length is passed (paragraph 0023). Amir teaches in paragraph 0041 that, for instance, a skim video will play 5 seconds of continuous video (i.e. a predetermined time set in advance), and then jump to a time point 30 seconds into the video where the next video clip of the skim video is played. Therefore, if a predetermined reproduction time set in advance is passed (i.e. 5 seconds) without the tab 18 being clicked, then the reproduction of the media stream (i.e. the full length video) is stopped, and the reproduction jumps to the next segment of the video skim. If the tab 18 is clicked before the predetermined reproduction time is passed (i.e. before 5 seconds), then the reproduction of the media stream (i.e. the full length video) is continued.),

to reproduce the moving image up to the end thereof and to start reproduction of the next moving image which is not included in the moving image reproduced up to the end thereof (Amir teaches in paragraph 0034, lines 25-29, "In yet another implementation, a play-list, composed of several or all of the video segments related to the story of interest is played. In this case, the user watches all these segments **as if**

they were combined together into one continuous video.” Therefore, it is clear that in this implementation, the next moving image (i.e. next segment related to the story) is not included in the moving image which the reproduction unit terminates (i.e. previous moving image related to the story) as the media stream presented to the user is not a continuous video, but rather a play-list comprised of multiple video segments played "as if they were combined together into one continuous video".),

wherein said determining unit determines if a second button is pressed during the reproduction of the moving image continued by said reproducing unit after said determining unit determines that the first button is pressed before the predetermined reproduction time is passed, and if the second button is so pressed said reproducing unit terminates the continued reproduction of the moving image and then starts reproduction in accordance with the predetermined reproduction time to produce said next still or moving image which is not included in the moving image which said reproduction unit terminates to reproduce in response to the press of the second button (Amir teaches a button ("full video", 76) in figure 3 that is analogous to the button (i.e. first button, 18) in figure 1, as the button (76) enables the switching to the full video stream from, for instance, a skim video, paragraph 0026. Amir et al. teaches in figure 3 and paragraph 0026 and more specifically in paragraphs 0027 and 0034, that at any time during the playback of the moving image a "next result" button (i.e. second button, 84) can be clicked to skip to a next moving image. Therefore, if button 76 is clicked to reproduce the entire video stream before the predetermined time is passed, and the next result button 84 is subsequently clicked, the continued reproduction of the current

moving image is terminated and the reproduction of the next moving image is started. Amir teaches in paragraph 0034, lines 25-29, "In yet another implementation, a play-list, composed of several or all of the video segments related to the story of interest is played. In this case, the user watches all these segments **as if they were combined together into one continuous video.**" Therefore, it is clear that in this implementation, the next moving image (i.e. next segment related to the story) is not included in the moving image which the reproduction unit terminates (i.e. previous moving image related to the story) as the media stream presented to the user is not a continuous video, but rather a play-list comprised of multiple video segments played "as if they were combined together into one continuous video".).

Amir et al. additionally teaches that the media clips may be altogether different segments which may be watched together as if combined into one continuous video (paragraph 0026), and additionally addresses the implementation of slide shows (paragraph 0004). Amir et al. also teaches of implementation in a cellular device or PDA (paragraph 0044).

Consider claim 15, and as applied to claim 13 above, Amir et al. additionally teaches a display unit (monitor, figure 1, figure 3) which displays the moving image reproduced by said reproducing unit from the storage medium, wherein said display unit displays the moving image reproduced by said reproducing unit even after the predetermined reproduction time is passed, if said determining unit determines that the

first button is pressed before the predetermined reproduction time is passed (paragraphs 0022-0024, claim 13 rationale).

Consider claim 16, and as applied to claim 13 above, Amir et al. further teaches a video signal output unit (monitor, figure 1, figure 3) which outputs the moving image reproduced by said reproducing unit from said storage medium, wherein said video signal output unit outputs the moving image reproduced by said reproducing unit even after the predetermined reproduction time is passed, if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed (paragraphs 0022-0024, claim 13 rationale).

Claim Rejections - 35 USC § 103

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amir et al. in view of Wolf et al. (US 2004/0201688).

Consider claim 17, and as applied to claim 13 above, Amir et al. teaches that the image processing apparatus can be implemented using a computer (paragraph 0002), but does not explicitly teach that the image processing apparatus includes a digital camera.

Wolf et al. similarly teaches of an image processing apparatus (figure 1).

However, Wolf et al. additionally teaches that the image processing apparatus (figure 1) includes a digital camera (digital camera, 10, paragraph 0035).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the image processing apparatus taught by Amir et al. include a digital camera as taught by Wolf et al. for the benefit of improving the versatility of the image processing apparatus by enabling the playing and storage of image files from an alternate source (Wolf et al., paragraphs 0007 and 0035).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622